<u>REMARKS</u>

Claims 1, 2 and 7-24 are all the claims pending in the application. By this Amendment independent claims 1, 2, 21 and 22 are amended and new claims 23-24 are added. Claims 23-24 recite further details of the customizing. In view of the foregoing amendments and following Remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

A Statement of Substance of Interview is being filed concurrently with this Amendment. The above amendments are being made accordingly.

I.   <u>Transmitting said monitored data to said central program code</u>

The amended independent claims require, *inter alia*:

> comparing contents of said augmented central database with said request and with said candidate response information at said central computer;
> customizing information retrieval results for said at least one user based on said identifying and said comparing; and

Applicant also respectfully submits that the proposed combination of references fails to disclose or suggest the "customizing" recited in the independent claims. More specifically, applicant has amended the claims to clarify that the data that is transmitted to the remote program code has been customized, and that the customization is based on the identifying and comparing, as claimed. Applicant respectfully submits that the cited prior art fails to disclose or suggest this claimed feature.

More specifically, while Ryan mentions customizing, this disclosure of customizing appears to be a disclosure that the user decides how the search appears through use of default search lists, or the user's *own* search patterns. In contrast, claim 1 requires that the customizing be done based the identifying *and the comparing*. The comparing includes a *comparison between (a) the augmented database (b) the request and (c) the candidate response information at the*

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central computer. Applicant respectfully submits that Ryan is distinguishable, because the comparison recited in claim 1 is not used for the customization disclosed in Ryan. In other words, the "customization" as disclosed in Ryan appears to be more of a "personalization" for the single user.

In the Office Action, the "comparing" of Ryan is characterized as comparing the old popular ranking with the new popular ranking, or alternatively, rank the rate of change in popularity. Using this characterization, Applicant respectfully submits that customization as (which is personalization) of Ryan is not related to the comparing that is required by the customization in the independent claims. The customizing of Ryan is *limited to the individual user information*, and does not take into account the information of an augmented database, and does not do it at the central computer.

Thus, Applicant respectfully submits that the independent claims are distinguishable from Ryan.

Additionally, applicant respectfully submits that Subramonian in combination with Ryan does not cure this deficiency of Ryan. For example, Subramonian discloses personalization based on the information of a user, but does not disclose customization based on the identifying and *comparison* as required in the independent claims. Applicant respectfully submits that both Ryan and Subramonian are personalizing *without* doing any comparison with, *inter alia*, the augmented database as required by the independent claims.

Additionally, independent claims 21 and 22 require a *plurality of users*. Applicant respectfully submits that this additional feature further distinguishes the claimed invention from Ryan/Subramonian.

II.   Transmitting said monitored data to said central program code

The independent claims recite "remote program code . . . adapted for . . . <u>transmitting said monitored data to said central program code</u>." The independent claims further clarify the meaning of "monitored data" in stating the following:

> said remote program code <u>monitors</u> said user activity
>
> without requiring said at least one user to access a search engine or
>
> any particular web site, and <u>the monitoring</u> is independent of the at
>
> least one user's access to any search engine.

Thus, the recited "monitored data" represents user activity monitored in the above-quoted manner. The Examiner agrees that "Ryan does not specifically teach" this aspect of claim 1, instead citing Subramonian as allegedly teaching the required "monitored data," monitored in the required manner.

Thus, the independent claims require remote program code which <u>transmits</u> the required "monitored data" to central program code.

<u>Ryan</u>

Although Ryan does appear to disclose Java code embedded in web pages which sends information about selected URLs to the server (Ryan at col. 9, ll. 39-57), this Java code, alone or in combination with the user's browser, cannot correspond to the "remote program code" of claim 1. The described Java code does send URL selection information to the server, but according to the Examiner's own analysis, does not transmit "monitored data" in accordance with the above-quoted portion of claim 1.

No other portion of Ryan appears to contemplate "transmitting said monitored data to said central program code" according to the requirements of claim 1; thus, Ryan fails to teach or suggest this element of claim 1.

Subramonian

The Examiner cites Subramonian as allegedly teaching remote program code for "monitor[ing] said user activity" in accordance with the above-quoted portion of claim 1. However, Subramonian not only lacks any "central program code," but in fact, strenuously teaches away from the use of a central server. Accordingly, the system of Subramonian clearly lacks any component which could correspond to the claimed "remote program code . . . adapted for . . . transmitting said monitored data to said central program code."

Thus, neither Ryan nor Subramonian teach or suggest "transmitting said monitored data to said central program code," according to the requirements of claim 1, quoted above.

III.   Teaching away

Applicant points out that the portions of Subramonian teaching away from combination with Ryan are emphasized repeatedly throughout that reference. For example, col. 3, ll. 51-52 state that "[u]ser profiles are thus created locally on a client computer without any remote server intervention." (emphasis added.) Col. 9, ll. 17-24 state the following:

> Unlike conventional server-based profiling techniques, according to the present invention, the user profile is constructed by UPM 58 which executes on client computer 12 and not on some remote server. As a result, the profile is not exposed to the outside world without explicit permission from the user, thus guaranteeing user privacy.

(emphasis added.) Further, col. 10, ll. 22-29 state that "<u>user profiles are created using a client computer without any server intervention</u>." (emphasis added.)

Thus, Subramonian repeatedly and pervasively teaches away from any use of the claimed "central program code."

Applicant respectfully submits that the dependent claims are allowable by virtue of their dependence from the independent claims, for at least the reasons discussed above with respect to the independent claims. Additionally, applicant respectfully submits that dependent claims 12 and 18 are allowable for at least the additional reasons explained below.

IV.   Claims 12 and 18

With respect to claims 12 and 18, nothing in either Ryan or Subramonian teaches or suggests that "retrieval results include an <u>identity of at least one other user</u>," or that the "at least one user then <u>can communicate</u>" with the "<u>other user</u>" in order to "obtain further information."

The Examiner cites col. 21, lines 51-64 of Ryan as allegedly teaching these requirements of claims 12 and 18; however, the cited portion of Ryan merely appears to describe how the web pages of Ryan are generated. Ryan fails to teach or suggest that the provided web pages include an identity of another user, or that the recipient can communicate with that user "to obtain further information."

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,
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